



August 26, 2009

The Honorable Arne Duncan  
U.S. Secretary of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

**Re: Race to the Top Notice of Proposed Provisions: Docket ID ED-2009-OESE-0006**

Dear Secretary Duncan:

Thank you for the opportunity to comment on the notice of proposed priorities, requirements, definitions, and selection criteria for the Race to the Top Fund (RTTT) authorized by the American Recovery and Reinvestment Act of 2009 (ARRA). The Bill and Melinda Gates Foundation strongly supports the RTTT initiative, which represents an unprecedented opportunity for the federal government to support major state and local education reform. In general, the Foundation agrees with the U.S. Department of Education's (USED's) proposed approach, focusing on funding states that demonstrate capacity for and commitment to comprehensive educational reform around the four assurance areas identified in the ARRA. However, based on evidence and the Foundation's experience in funding grants to change policy, promote education reform and research to improve student outcomes, we have several recommendations we believe would improve the effectiveness of the RTTT grant funds. We begin with a summary, then follow with more detailed recommendations in each reform area.

**Summary of recommendations**

---

- Use the leverage of multiple payments based on evidence of progress to assure real, demonstrable progress towards state goals and effectiveness of grant-funded activities.
- Engage higher education as a stakeholder and partner, including the SHEEO as signatory.
- Give top priority to creating an infrastructure for measurement – common data standards, definitions and systems to measure effectiveness and the linking of data systems to and through postsecondary education and to workforce systems, P-20 and across states. These one-time investments will enable huge system improvements well after the term of the ARRA funding.
- Have states set goals and measure what matters: graduation rates, college readiness, and postsecondary enrollment and completion.

- Strongly prioritize state adoption of the NGA/CCSSO “common core” of state standards and lay the groundwork for the development of next-generation assessments aligned to that core.
- Follow the evidence to measure, reward and equitably distribute effective teachers. Evidence is clear that a highly effective teacher is the single strongest determinant of student achievement.
- Close and replace chronically low performing schools.

## **Detailed Recommendations**

---

### **I. General Recommendations**

#### ***Funding and Reporting Mechanisms Should Hold States Accountable for Progress***

As a grant-making organization that is focused on using its funds to demonstrably improve student outcomes, we have learned a great deal about effective performance management of grantees. Most fundamentally, it is essential that **the RTTT program include funding and reporting mechanisms to hold states accountable for progress** once grants are made. USED should not advance the entire grant amount at the beginning of the project. Rather, funding should be released based on a state's progress in implementing core objectives. If progress is not made, that should affect continuing project funding. Let us be clear that we are not recommending detailed reporting and prospective funding decisions based on a multitude of criteria or objectives. Rather, USED should identify a small number of core objectives – such as *use of data systems to report student academic growth to all teachers, using common data standards and definitions; and movement to adopt common standards and assessments and align curriculum, professional development, and teacher and principal evaluation with them* – and indicate that continued funding will be driven by progress on these objectives, as measured by project evaluations. The key is to select the most critical few indicators and demand clear evidence from states that they are making progress as a condition of receiving subsequent grant payments.

#### ***Postsecondary Attainment and the Involvement of Postsecondary Leaders Need to be Measured***

While K-12 improvement is critical, the greatest social and individual rewards that result from educational attainment actually occur as a result of *postsecondary credential attainment*. The final notice should include postsecondary enrollment, remediation, transfer and completion rates as performance indicators – under the plan criteria for standards and assessments or under the overall plan criteria – and include postsecondary leaders such as the SHEEO as stakeholders to be involved in demonstrating statewide support for the state’s application. One ARRA assurance calls for aligning standards and assessments with the knowledge and skills necessary for success in academic credit-bearing coursework in postsecondary education, in the 21<sup>st</sup> century workforce, and in the Armed Forces without the need for remediation. This statutory assurance should be reflected in the final criteria and performance indicators.

### **II. Data Systems to Support Instruction**

### ***Greater Weight Should Be Given to Commitments and Progress in Building and Using Data Infrastructure***

Effective data systems are a vital foundation for K-12 education reform. Such systems use common data standards and definitions, are interoperable, and are used to promote and measure teacher and principal effectiveness. We recommend that greater weight be given to commitments and progress in building and using a P-20 data infrastructure, either through absolute or competitive criteria or in the weighting of selection criteria and include the ability to measure across states. However, it is not enough that states merely be able to check off each of the data system elements in the America COMPETES Act or describe general plans to build out their systems, nor is it enough for states to indicate that they are not prevented by state law or policy from using student achievement or growth data to evaluate teachers and principals. Rather, states must commit to performance measures related to the use of student achievement data in measuring student growth and to the reporting of that data to all teachers, as well as providing appropriate access to that data for parents and policymakers. Simply, if the data systems are built, but not used to drive decision-making around teacher effectiveness, then the funds are wasted. These commitments and measures need to be embedded in the final notice.

### ***The Final Notice Should Demand State Commitments to Move to Common Data Standards and Definitions.***

As you know, USED is involved in a joint effort with the Foundation and other organizations to develop P-20 common data standards and definitions. A lack of common data standards, definitions, and interoperability across agencies within states and across states prevents data from being broadly shared and compared in a meaningful way; in particular, to measure the performance of schools, programs, supports, teachers, and school leaders. If RTTT directly funds or indirectly sanctions state efforts to further develop or use data standards and definitions that are not aligned, there is a real risk that RTTT funding will be not only ineffective, but counterproductive, in addressing the need for interoperability and the effective use of data systems as a foundation for reform. That means two things: first, the joint, common data standards effort needs to be accelerated as a top priority for USED and for other participating organizations; and second, the final notice for RTTT needs to include state commitments to move to common standards and definitions and avoid further support for the development of unaligned standards and definitions. How best to do this in the final notice is not an easy issue, given that the common standards and definitions may be up to a year away from full development. However, it is critical that USED address this issue in the final notice to ensure that RTTT supports movement to, not away from, common data standards, definitions, and interoperability. We also strongly recommend that USED reexamine its criteria and requirements for State Longitudinal Data System (SLDS) grants to ensure that this issue is addressed in the SLDS program.

### ***Barriers to Sharing Data Created by Interpretations of the Family Educational Rights and Privacy Act (FERPA) Must be Addressed***

Another serious data issue relates to the need to share student data with social service, postsecondary education, workforce, and related organizations with functions to meet needs of children that implicate their ability to progress in school. Effective data sharing is especially critical for at risk students who may face a variety of challenges that impede their academic achievement. The inability to share student data with other agencies hampers the effective engagement of these agencies in interagency efforts to meet the needs of these children and support their academic progress and to measure college readiness. To address these needs, data systems must be made interoperable. But just as importantly, the barriers to sharing data created by interpretations of the Family Educational Rights and Privacy Act (FERPA) must be addressed. We know USED is reexamining its prior interpretations of FERPA and has committed in the notice of proposed requirements for the State Fiscal Stabilization Fund to the issuance of new FERPA guidance. We commend you for that initiative. As you know, this is not about diminishing privacy protections for children, which we take very seriously, but rather about ensuring that those protections are harmonized with the need to use data to improve the academic achievement of all children.

### **III. Standards and Assessments**

#### ***The Final Notice Should Maintain a Strong Commitment to the Common Standards and Common Assessments Initiative, but Should Ensure Adoption Timelines are Aggressive, but Achievable***

The Foundation strongly supports the proposal to evaluate state applications based on the state's commitment to join the state-led common standards initiative coordinated by the National Governors' Association and the Council of Chief State School Officers. We likewise support the Department's proposal to set aside a portion of RTTT funds for a separate grant to a consortium of states for common assessments aligned to that "common core". Some of the criteria for Phase 2 applications related to state adoption of common standards may not be realistic given states' needs to evaluate the standards and approve them through state administrative frameworks, but we agree that ambitious, but realistic, measures are needed to evaluate the strength of the state's commitment and progress toward adopting the NGA/CCSSO common core of standards. Some examples of metrics of progress should include the extent to which the state has publicly committed to adopting the common core and entered into partnerships with fellow consortia states to develop tools to meet the common core. The Foundation recommends that such sample metrics be included in the final notice. We also support proposed criteria that measure the quality of state plans to implement common standards and assessments by aligning curriculum, professional development, and interim and formative assessments. The Foundation recommends strengthening these alignment criteria by providing that they "should" (rather than simply "may") include activities in the areas described and that these areas include alignment of criteria for teacher and principal evaluations. We also recommend that the overall criteria address the need to ensure that professional development, curriculum, and other activities to be funded by RTTT are aligned to the NGA/CCSSO common core.

### **IV. Great Teachers and Leaders**

***The Final Notice Should Require State Plans to Commit to Performance Measures Related to the Use of Student Achievement Data in Measuring Student Growth and to the Reporting of that Data to all Teachers.***

We support provisions of the proposed notice that provide for linking student and teacher data and focus on teacher and principal evaluation, including the use of student growth data for that purpose. As stated above, the Final Notice should include selection criteria and performance indicators that evaluate whether states measure student growth -- using common data standards and definitions -- link those data to teachers and principals, and provide an annual report of the data to individual teachers and principals, in order to assess their impact, relative to that of their peers, on student academic growth. States need to assure that they and their LEAs have the infrastructure needed to provide these data and need to commit to annual performance measures reflecting that these reports are in fact provided to all teachers and principals.

We also commend the Department for framing these criteria principally around concepts of teacher *effectiveness* that include consideration of student achievement and growth, rather than around the concept of “highly qualified teachers” – the touchstone for teacher efforts under the No Child Left Behind Act. The concept of Highly Qualified Teachers measures teacher preparation and credentials, not teaching quality or student learning. It is not a reliable predictor of which teachers are effective in developing academic growth in their students. The research is clear that an effective teacher is the most critical factor in improving student achievement. Increasing the concentration of effective teachers in the classroom, especially for low income and minority students, should be the overarching goal of teacher- related funds. For a further explanation of research and methods for measuring teacher effectiveness, we urge the Department to carefully review comments in response to the RTTT notice from Tom Kane of Harvard and the consortium of value-add researchers, many of whom were cited in the draft notice. In the meantime, as we move aggressively to develop effectiveness measures, we urge an equity focus on those current HQT proxies that have some research base grounded in student achievement: novice and out of field teaching.

**V. Turning Around Struggling Schools**

***The Final Notice Should Include Stronger Criteria Calling for States to Close and Replace the Lowest Performing Schools***

While the research base is not as definitive or extensive as we wish, research on turning around low performing schools (including the Foundation’s own evaluations) has shown that the most effective approaches are those that actually close schools and replace them with new, often charter, schools. Lighter touch turnaround plans, such as professional development and other intermediate approaches that leave adult personnel largely unaffected have not yielded significant improvements in student outcomes. Simply developing a school improvement plan is not generally an effective intervention for the lowest performing schools. Historically, states have not had the capacity to conduct this level of intervention. We encourage the Department to issue strengthened criteria in the final notice that call for state plans to use a close and replace approach for the lowest performing schools as well as allow for

additional funds and support for SEAs to build this increased capacity to intervene. This same focus on significant, close-and-replace-like interventions for lowest performing schools should be incorporated consistently in the pending notice for School Improvement Grants as well.

Thank you again for your leadership and consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allan Golston', with a long, sweeping horizontal stroke extending to the right.

Allan Golston  
President  
United States Program

Cc: Office of Elementary and Secondary Education  
Attention: Race to the Top Fund Comments: Docket ID ED-2009-OESE-0006  
U. S. Department of Education  
400 Maryland Avenue, S.W.  
Room 3W329  
Washington, D.C. 20202